



HEALTH RIGHTS HOTLINE  
INDEPENDENT ASSISTANCE FOR HEALTH CARE CONSUMERS

March 24, 2009

Bill Lockyer  
State Treasurer  
915 Capitol Mall  
Sacramento, CA 95814

Mike Genest  
Director, California Department of Finance  
State Capitol  
Sacramento, CA 95814

Re: The \$10 Billion Budget Trigger

Dear Treasurer Lockyer and Director Genest,

The Health Rights Hotline (Hotline) is submitting comments on the budget trigger decision. The Hotline is a program of Legal Services of Northern California and provides information and assistance to health care consumers in El Dorado, Placer, Sacramento, and Yolo counties.

The Hotline urges you to count all potentially eligible federal funding towards the \$10 billion to ensure that these costly and harmful cuts are avoided. The majority of our clients are very low-income and on Medi-Cal. Medi-Cal “optional benefits” are often medical necessities for them. They could not afford these medically necessary services if they were permanently cut as Medi-Cal benefits. Our clients rely on optional services to keep them out of pain, healthy and employable. These cuts will make it impossible for clients to access needed eyeglasses, hearing aids, or visits to a psychologist, dentist or podiatrist.

We also serve the uninsured and see first hand the effects of not having access to needed health care. One Hotline client in his twenties who could not access or afford a dentist ripped his own tooth out of his mouth because he was experiencing such unbearable pain. The elimination of these Medi-Cal Optional Benefits will irreparably harm our clients, and will create unnecessary expensive emergency room visits. Emergency care is dramatically more costly than other care, and will cost Medi-Cal more in the long run. The lack of the services will also make it difficult for our clients to maintain or find employment: teeth, vision, and hearing are often job requirements. These services may be optional Medi-Cal services in a legal sense, but despite their name they are not “optional” in a practical sense for our clients. Further, public assistance is to be administered promptly and humanely (WIC §10000); it is neither prompt nor humane to deny needed medical services to Medi-cal recipients and force them to turn to emergency care when the pain or health impact is too severe, often after permanent or long-lasting damage has occurred.

## Health Rights Hotline Budget Trigger Comments

Many of our clients are on SSI, IHSS, and/ or CalWORKs as well as Medi-Cal. They are facing multiple cuts. Cuts in cash aid will make it harder for beneficiaries to access the necessities of life, especially for SSI recipients who are ineligible for Food Stamps.

Our client's lives and health will suffer if these services and funding are not reinstated.

There is no specific legislative history or intent to interpret terms such as "May be used to offset" and "Sufficient federal funds." These terms, however, are required to be construed broadly to allow for as much money as possible to go to the needed \$10 billion. "The provisions of law relating to a public assistance program shall be fairly and equitably construed to effect the stated objects and purposes of the program." Welfare and Institutions Code § 11000.

We urge you to heed the arguments of our colleagues at the Western Center on Law and Poverty and find that there is \$10 billion available to offset the general fund. We are aware that this may mean more cuts down the line, but would prefer later cuts that are enacted in the "sunshine" as California laws are supposed to be. Please pull the trigger that will save these programs and not disadvantage our clients any further.

Respectfully,

Ann Rubinstein  
Staff Attorney

cc: Senate President Pro Tem Darrell Steinberg  
Speaker of the Assembly Karen Bass